

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1.	MICHELLE ERNST as Personal)	
	Representative of the Estate of)	
	DAVID MICHAEL ERNST,)	
	deceased,)	
)	
	Plaintiff,)	
)	Case No. 14-CV-504-GKF-PJC
v.)	
)	
)	
1.	CREEK COUNTY PUBLIC)	
	FACILITIES AUTHORITY,)	
2.	ADVANCED CORRECTIONAL)	
	HEALTHCARE, INC.,)	
)	
	Defendants.)	

**DEFENDANT’S UNOPPOSED MOTION AND BRIEF
FOR LEAVE TO SUBMIT EXHIBITS UNDER SEAL**

_____ Plaintiff is personal representative of the estate of David Ernst (Decedent). Decedent was incarcerated in the Creek County Detention Center (CCDC) from August 24, 2013 until he committed suicide by hanging on June 17, 2014. Plaintiff has sued the Authority for alleged failure to provide medical care¹ to Decedent during his incarceration, in violation of the United States Constitution². The Authority denies that it failed to provide appropriate medical care for Decedent.

During Decedent’s almost year long incarceration, he submitted many requests for medical care and he was seen by medical professionals on many occasions. Each request for medical care, and each response to same, must be addressed by Defendant Authority in this alleged denial of medical care case. Likewise, each

¹Throughout this Motion and Brief, the term medical care is intended to include mental health care.

²On March 30, 2016, the Plaintiff dismissed her alleged state law claims against the Authority. See Dismissal filed at Doc. 63.

request and response to same are being provided to the Court as exhibits to the Authority's Motion for Summary Judgment which is presently due April 18, 2016.

The records which address Decedent's medical and mental health condition or care are not public record. They are in fact personal, sensitive, private medical/mental health records. They are defined as confidential in the Court's Protective Order entered at Doc. 49. Pursuant to LCvR 79.4, Defendant Authority respectfully requests permission to submit under seal these private, medical/mental health records. Plaintiff is not opposed to this Motion. A proposed Order is being submitted with this Motion.

Respectfully submitted,

s/ Ambre C. Gooch

Ambre C. Gooch, OBA No. 16586
COLLINS, ZORN & WAGNER, P.C.
429 N.E. 50th Street, Second Floor
Oklahoma City, OK 73105
Telephone: (405) 524-2070
Facsimile: (405) 524-2078
Email: gooch@czwglaw.com

ATTORNEY FOR DEFENDANT CREEK
COUNTY PUBLIC FACILITIES AUTHORITY

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2016, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Derek S. Franseen
Micky A. Walsh
Beeler, Walsh & Walsh, PLLC
4508 N. Classen Boulevard
Oklahoma City, OK 73118
dfranseen@beelerwalshwalsh.com
mwalsh@beelerwalshwalsh.com

Carla R. Stinnett
G. Gene Thompson
STINNETT LAW
404 East Dewey Avenue, Suite 202
Sapulpa, OK 74066
carla@stinnettlaw.com
gene@stinnettlaw.com
Attorneys for Plaintiff

Michael S. McMillin
Fenton, Fenton, Smith, Reneau & Moon
211 N. Robinson, Suite 800N
Oklahoma City, OK 73102
msmcmillin@fentonlaw.com
*Attorney for Defendant, Advanced
Correctional Healthcare, Inc.*

s/ Ambre C. Gooch

Ambre C. Gooch